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19
20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

22 ORACLE AMERICA, INC.,

Case No. CV 10-03561 WHA

23 Plaintiff,

24 v.
JOINT SUBMISSION OF AGREED-ON
STATEMENT OF THE CASE

25 GOOGLE INC.,

26 Defendant.
Dept.: Courtroom 8, 19th Floor
Judge: Hon. William Alsup

JOINT SUBMISSION OF PROPOSED NEUTRAL STATEMENT

Pursuant to the Court's Order (ECF 1710), the parties met and conferred regarding "an agreed-on statement of the case" to be read to the venire as part of the jury selection process. Following the Court's guidance at the final pre-trial conference, the parties have reached agreement on the following statement:

The plaintiff in this case is Oracle America, Inc. (formerly known as Sun Microsystems), and the defendant is Google Inc. This is a case involving claims of copyright infringement.

In November 2007, Google announced a new operating system called Android, which has been used in devices such as smartphones and tablets. Android uses certain parts of a copyrighted software platform called Java SE owned by Oracle.

Oracle contends that Android's use of this material infringes Oracle's copyrights. Google contends that Android does not infringe those copyrights because its use is a "fair use" under the law. Oracle also seeks billions of dollars of damages. Google denies that Oracle is entitled to any damages.

Dated: April 28, 2016

ORRICK HERRINGTON & SUTCLIFFE LLP

By: /s/ Peter A. Bicks
PETER A. BICKS

Attorneys for Plaintiff
ORACLE AMERICA, INC.

Dated: April 28, 2016

KEKER & VAN NEST LLP

By: /s/ Matthias A. Kamber
MATTHIAS A. KAMBER

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ATTESTATION OF CONCURRENCE

I, Matthias A. Kamber, the ECF User whose ID and password are being used to file this Joint Submission of Agreed-On Statement of the Case, hereby attest that Peter A. Bicks has concurred in this filing.

Dated: April 28, 2016

By: /s/ Matthias A. Kamber